

## [CHAPTER 249]

## AN ACT

June 29, 1939  
[H. R. 5427]  
[Public, No. 157]

Making appropriations for the Labor Department for the fiscal year ending June 30, 1940, and for other purposes.

Department of  
Labor Appropriation  
Act, 1940.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Labor Department for the fiscal year ending June 30, 1940, namely:

## DEPARTMENT OF LABOR

## OFFICE OF THE SECRETARY

Salaries.  
*Post*, p. 1319.

*Provisos.*  
Continuance of personnel determining wage rates.

49 Stat. 1011.  
40 U. S. C., Supp. IV, §§ 276a-276a-6.

Continuance of certain persons detailed from U. S. Employment Service.

Salaries limited to average rates under Classification Act; exceptions.

5 U. S. C. §§ 661-674; Supp. IV, §§ 673, 673c.

If only one position in grade.

Advances in unusually meritorious cases.

Restriction not applicable to clerical-mechanical service.  
No reduction in fixed salaries.

5 U. S. C. § 666.  
Transfer without reduction.

Higher salary rates permitted.

If only one position in a grade.

Department contingent expenses.  
*Post*, p. 1319.

Salaries: Secretary of Labor, Assistant Secretary, Second Assistant Secretary, and other personal services in the District of Columbia, \$391,680: *Provided*, That persons (not exceeding ten in number) now employed in the determination of wages pursuant to the provisions of the Act entitled "An Act to amend the Act approved March 3, 1931, relating to the rate of wages for laborers and mechanics employed by contractors and subcontractors on public buildings", approved August 30, 1935, may be continued in such employment and paid from the amount herein appropriated without regard to the provisions of the civil-service laws requiring competitive examinations: *Provided further*, That persons (not exceeding five in number) now detailed to the Office of the Secretary from the United States Employment Service may be continued for the fiscal year 1940 in the Office of the Secretary and paid from the amount herein appropriated without regard to the provisions of the civil-service laws requiring competitive examinations: *Provided further*, That in expending appropriations or portions of appropriations, contained in this Act, for the payment of personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the Assistant Secretary and the Second Assistant Secretary of Labor, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *And provided further*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, or (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

## CONTINGENT EXPENSES, DEPARTMENT OF LABOR

Contingent expenses: For contingent and miscellaneous expenses of the offices and bureaus of the Department, for which appropria-

tions for contingent and miscellaneous expenses are not specifically made, including the purchase of stationery, furniture, and repairs to the same, carpets, matting, oilcloths, file cases, towels, ice, brooms, soap, sponges, laundry, streetcar fares not exceeding \$1,200; purchase, exchange, maintenance, and repair of motorcycles and motor-trucks; maintenance, operation, and repair of two motor-propelled passenger-carrying vehicles, to be used only for official purposes; freight and express charges; newspaper clippings not to exceed \$1,200, postage to foreign countries, telegraph and telephone service, typewriters, adding machines, and other labor-saving devices; purchase and exchange of law books, books of reference, newspapers and periodicals, and, when authorized by the Secretary of Labor, dues for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members, not exceeding \$5,300; contract stenographic services; teletype service and tolls (not to exceed \$900); all other necessary miscellaneous expenses not included in the foregoing; and not to exceed \$25,000 for purchase of certain supplies for the Immigration and Naturalization Service; in all, \$233,620: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase or service rendered for the Department of Labor when the aggregate amount involved does not exceed the sum of \$100.

**Traveling expenses:** For all traveling expenses, except traveling expenses incident to the deportation of aliens, under the Department of Labor, including all bureaus and divisions thereunder, \$1,216,700.

**Printing and binding:** For printing and binding for the Department of Labor, including all its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, \$454,800, of which amount not to exceed \$2,000 shall be available immediately.

**Division of Labor Standards, salaries and expenses:** For salaries and expenses, including purchase and distribution of reports, and of material for informational exhibits, in connection with the promotion of health, safety, employment, stabilization, and amicable industrial relations for labor and industry, \$218,500, of which amount not to exceed \$115,000, may be expended for personal services in the District of Columbia.

The appropriation herein for traveling expenses shall be available for expenses of attendance of cooperating officials and consultants at conferences concerned with the work of the Division of Labor Standards when called by the Division of Labor Standards with the written approval of the Secretary of Labor, and shall be available also in an amount not to exceed \$2,000 for expenses of attendance at meetings related to the work of the Division of Labor Standards when incurred on the written authority of the Secretary of Labor.

**Commissioners of conciliation:** To enable the Secretary of Labor to exercise the authority vested in him by section 8 of the Act creating the Department of Labor (5 U. S. C. 611) and to appoint commissioners of conciliation, telegraph and telephone service, and not to exceed \$67,000 for personal services in the District of Columbia, \$325,000: *Provided*, That persons now employed in such conciliation work pursuant to authority contained under this head in the Second Deficiency Appropriation Act, fiscal year 1935, may be continued in such employment and paid from the amount herein appropriated.

**Liaison with the International Labor Organization, Geneva, Switzerland, salaries and expenses:** For a United States Labor Commissioner and other personal services in Geneva, Switzerland; compensation of interpreters, translators, and porters; transportation of

Vehicles.

Books, periodicals, etc.

Immigration and Naturalization Service, purchase of certain supplies.

*Proviso.*Minor purchases.  
R. S. § 3709.  
41 U. S. C. § 5.Traveling expenses.  
*Post*, p. 1319.

Printing and binding.

Division of Labor Standards.

Attendance at meetings.

Commissioners of conciliation.

37 Stat. 738.  
5 U. S. C. § 619.*Proviso.*

Retention of certain employees.

49 Stat. 587.

International Labor Organization, Geneva.  
Liaison with; expenses.



aliens into the United States, \$200,000, or so much thereof as may be necessary, to enforce the law excluding contract laborers and induced and assisted immigrants, not to exceed \$60,000 of the sum herein appropriated may be expended for such purposes, and such expenditure shall be made in strict compliance with the provisions of the Act of July 11, 1919 (18 U. S. C. 201).

General expenses (other than salaries): For all expenses of the Immigration and Naturalization Service, including the Immigration Border Patrol, incurred in the enforcement of the laws regulating the immigration to, the residence in, and the exclusion and deportation from the United States of aliens and persons subject to the Chinese exclusion laws; for enforcement of the laws authorizing a uniform rule for the naturalization of aliens; expenses of officers, clerks, and other employees appointed to enforce said laws; care, detention, maintenance, transportation, and traveling expenses incident to the deportation and removal of aliens and persons subject to the Chinese exclusion laws, as authorized by law, in the United States, and to, through, or in foreign countries; purchase of supplies and equipment, including alterations and repairs; purchase, exchange, operation, maintenance, and repair of motor-propelled vehicles, including passenger-carrying vehicles for official use in field work; arms, ammunition, and accessories; cost of reports of decisions of the Federal courts and digests thereof, books of reference, and foreign language textbooks for official use; verifications of legal papers; refunding of head tax, maintenance bills, and immigration fines, upon presentation of evidence showing conclusively that collection and deposit was made through error; mileage and fees to witnesses subpoenaed on behalf of the United States, and for all other expenses necessary to enforce said laws, \$1,340,000: *Provided*, That not to exceed \$45,000 of the sum herein appropriated shall be available for the purchase, including exchange, of motor-propelled passenger-carrying vehicles: *Provided further*, That the Commissioner of Immigration and Naturalization, with the approval of the Secretary of Labor, may contract with officers and employees stationed outside of the District of Columbia, whose salaries are payable from the appropriation for field salaries of the Immigration and Naturalization Service, for the use, on official business outside of the District of Columbia, of privately owned horses, and the consideration agreed upon shall be payable from the funds herein appropriated: *Provided further*, That not to exceed \$10,000 of the sum herein appropriated may be expended for payment of rewards, when specifically authorized by the Secretary of Labor, for information leading to the detection, arrest, or conviction of persons violating the immigration or naturalization laws.

Immigration stations: For remodeling, repairing (including repairs to the ferryboat, Ellis Island), renovating buildings, and purchase of equipment, \$65,000.

The appropriation herein for traveling expenses shall be available in an amount not to exceed \$400 for expenses of attendance at meetings concerned with the work of the Bureau of Immigration and Naturalization when incurred on the written authority of the Secretary of Labor.

#### CHILDREN'S BUREAU

Salaries and expenses: For expenses of investigating and reporting upon matters pertaining to the welfare of children and child life, and especially to investigate the questions of infant mortality; personal services, including experts and temporary assistants; purchase of reports and material for the publications of the Children's Bureau and for reprints from State, city, and private publications for distri-

41 Stat. 68.  
18 U. S. C. § 201.

General expenses.  
Enforcement of im-  
migration, etc., laws.

Naturalization.

Vehicles.

*Provided*.  
Purchase of motor  
vehicles.

Privately owned  
horses.

Payment of re-  
wards.

Ellis Island, ferry-  
boat repairs.

Attendance at meet-  
ings.

Salaries and ex-  
penses.  
Investigations, etc.

bution when said reprints can be procured more cheaply than they can be printed by the Government, and other necessary expenses, \$364,560, of which amount not to exceed \$316,680 may be expended for personal services in the District of Columbia.

Fair Labor Standards Act.  
Expenses of child labor provisions under.  
52 Stat. 1060.  
29 U. S. C., Supp. IV, ch. 8.

Salaries and expenses, Child Labor Provisions, Fair Labor Standards Act: For all authorized and necessary expenses of the Children's Bureau in performing the duties imposed upon it by the Fair Labor Standards Act of 1938, including personal services and rent in the District of Columbia and elsewhere; supplies; services; equipment; newspapers, books of reference, periodicals, and press clippings; and reimbursement to State and local agencies and their employees for services rendered, as authorized by section 11 of said Act; \$312,720.

#### MATERNAL AND CHILD WELFARE

Social Security Act.  
Maternal and child welfare, salaries and expenses.

49 Stat. 629.  
42 U. S. C., Supp. IV, §§ 701-731.  
Post, p. 1320.

Salaries and expenses, maternal and child welfare, Children's Bureau: For all authorized and necessary administrative expenses of the Children's Bureau in performing the duties imposed upon it by title V of the Social Security Act, approved August 14, 1935, including personal services, rentals, repairs, and alterations to buildings, in the District of Columbia and elsewhere; supplies; services; equipment; newspapers, books of reference, periodicals, and press clippings, \$324,000.

Payments under State plans.

In the administration of title V of the Social Security Act for the fiscal year 1940, payments to States for any quarter of the fiscal year 1940 under parts 1, 2, and 3 may be made with respect to any State plan approved under such respective parts by the Chief of the Children's Bureau prior to or during such quarter, but no such payment shall be made with respect to any plan for any period prior to the quarter in which such plan is submitted to the Chief of the Children's Bureau for approval.

#### GRANTS TO STATES FOR MATERNAL AND CHILD HEALTH SERVICES

Grants to States.  
Maternal and child health services.  
Post, p. 1320.

49 Stat. 629.  
42 U. S. C., Supp. IV, §§ 701-710.  
Post, p. 1380.  
Promiso.  
Supplemental aid not included in State allotment.  
49 Stat. 629, 630.

Grants to States for maternal and child health services, Children's Bureau: For grants to States for the purpose of enabling each State to extend and improve services for promoting the health of mothers and children, as authorized in title V, part 1, of the Social Security Act approved August 14, 1935 (42 U. S. C. 701), \$3,800,000: *Provided*, That any allotment to a State pursuant to section 502 (b) shall not be included in computing for the purposes of subsections (a) and (b) of section 504 an amount expended or estimated to be expended by the State.

#### GRANTS TO STATES FOR SERVICES FOR CRIPPLED CHILDREN

Services for crippled children.  
Post, p. 1320.

49 Stat. 631.  
42 U. S. C., Supp. IV, §§ 711-720.

Grants to States for services for crippled children, Children's Bureau: For the purpose of enabling each State to extend and improve services for crippled children, as authorized in title V, part 2, of the Social Security Act, approved August 14, 1935 (42 U. S. C. 711), \$2,850,000.

#### GRANTS TO STATES FOR CHILD-WELFARE SERVICES

Child-welfare services.  
Post, p. 1320.

Grants to States for child-welfare services, Children's Bureau: For grants to States for the purpose of enabling the United States, through the Children's Bureau, to cooperate with State public-welfare agencies in establishing, extending, and strengthening public-welfare services for the care of homeless or neglected children, or children in danger

of becoming delinquent, as authorized in title V, part 3, of the Social Security Act, approved August 14, 1935 (42 U. S. C. 721), \$1,500,000.

The appropriation herein for traveling expenses shall be available for expenses of attendance of cooperating officials and consultants at conferences concerned with the administration of work of the Children's Bureau under the Fair Labor Standards Act and under title V, parts 1, 2, and 3, of the Social Security Act when called by the Children's Bureau with the written approval of the Secretary of Labor, and shall be available also, in an amount not to exceed \$7,000, for expenses of attendance at meetings related to the work of the Children's Bureau when incurred on the written authority of the Secretary of Labor.

#### WOMEN'S BUREAU

Salaries and expenses: For carrying out the provisions of the Act entitled "An Act to establish in the Department of Labor a bureau to be known as the Women's Bureau", approved June 5, 1920 (29 U. S. C. 11-16), including personal services in the District of Columbia, not to exceed \$150,000; purchase of material for reports and educational exhibits, \$151,230.

The appropriation herein for traveling expenses shall be available in an amount not to exceed \$2,500 for expenses of attendance at meetings concerned with the work of the Women's Bureau when incurred on the written authority of the Secretary of Labor.

#### UNITED STATES EMPLOYMENT SERVICE

Salaries: For personal services in carrying out the provisions of the Act entitled "An Act to provide for the establishment of a national employment system, and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (29 U. S. C. 49-491), including the Veterans' Placement Service, the Farm Placement Service, and the District of Columbia Public Employment Center, \$1,095,000, of which amount not to exceed \$580,000 may be expended for personal services in the Department in the District of Columbia.

Miscellaneous expenses (other than salaries): For all administrative expenses, other than salaries, including the Veterans' Placement Service, the Farm Placement Service, and the District of Columbia Public Employment Center, in carrying out the provisions of the Act entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (U. S. C., title 29, secs. 49-491); rent in the District of Columbia and elsewhere; law books, books of reference, newspapers and periodicals, supplies and equipment, telegraph and telephone service, and miscellaneous expenses, \$47,640.

Payments to States: For payment to the several States in accordance with the provisions of the said Act of June 6, 1933 (29 U. S. C. 49-491), as amended, \$3,480,000, of which not to exceed \$165,000 shall be available immediately: *Provided*, That apportionments for the fiscal year 1940 shall be on the basis of a total apportionment to all States of \$3,000,000: *Provided further*, That the unused balances of amounts apportioned to the several States for the fiscal year 1938 for establishing and maintaining public employment offices shall be reapportioned among all the States, in accordance with said Act of June 6, 1933, as amended, without regard to the sufficiency therefor of the fund established under this head for payment to States by the Department of Labor Appropriation Act, 1938.

49 Stat. 633.  
42 U. S. C., Supp.  
IV, § 721.

52 Stat. 1060.  
29 U. S. C., Supp.  
IV, ch. 8.

Attendance at meetings.

Salaries and expenses.

41 Stat. 987.  
29 U. S. C. §§ 11-16.

Attendance at meetings.

Salaries.

48 Stat. 113; 52 Stat.  
1244.  
29 U. S. C. §§ 49-491;  
Supp. IV, § 49d.

Miscellaneous expenses.

48 Stat. 113; 52 Stat.  
1244.  
29 U. S. C. §§ 49-491;  
Supp. IV, § 49d.

Payments to States.  
29 U. S. C. §§ 49-491;  
Supp. IV, § 49d.

*Provisos.*  
Basis of apportionments, 1940.  
Reapportionment of unused balances.

50 Stat. 302.

Attendance at meetings.

The appropriation herein for traveling expenses shall be available in an amount not to exceed \$4,000 for expenses of attendance at meetings concerned with the work of the United States Employment Service when incurred on the written authority of the Secretary of Labor.

#### WAGE AND HOUR DIVISION

Salaries.  
*Post*, p. 1321.

52 Stat. 1060.  
29 U. S. C., Supp.  
IV, ch. 8.

Miscellaneous expenses.  
*Post*, p. 1321.

29 U. S. C., Supp.  
IV, ch. 8.

*Proviso.*  
Allotment of funds.

Attendance at meetings.

Payment forbidden persons whose nomination rejected by Senate.

Citizenship requirements.  
*Post*, p. 1337.

*Proviso.*  
Interpreters in Immigration and Naturalization Service.

Short title.

**Salaries:** For all personal services for the Wage and Hour Division necessary in performing the duties imposed upon it by the Fair Labor Standards Act of 1938, \$2,339,000, of which amount not to exceed \$1,162,170 may be expended for personal services in the District of Columbia.

**Miscellaneous expenses (other than salaries):** For all authorized and necessary expenses, other than salaries, of the Wage and Hour Division in performing the duties imposed upon it by the Fair Labor Standards Act of 1938, including rent in the District of Columbia and elsewhere, contract stenographic reporting services, purchase (not to exceed \$1,250), maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, law books, books of reference, periodicals, manuscripts and special reports, newspapers, and press clippings, supplies, office equipment, advertising, postage, telephone and telegraph service, reimbursement to State, Federal, and local agencies and their employees for services rendered, \$207,200: *Provided*, That the Secretary of Labor may allot or transfer, with the approval of the Director of the Bureau of the Budget, funds from this appropriation to any bureau or office of the Department of Labor to enable such agency to perform services for the Wage and Hour Division.

The appropriation herein for traveling expenses shall be available in an amount not to exceed \$4,750 for expenses of attendance at meetings concerned with the work of the Wage and Hour Division when incurred on the written authority of the Secretary of Labor.

**SEC. 2.** No part of any appropriation contained in this Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve of the nomination of said person.

**SEC. 3.** No part of any appropriation contained in this Act or authorized hereby to be expended shall be used to pay the compensation of any officer or employee of the Government of the United States, or of any agency the majority of the stock of which is owned by the Government of the United States, whose post of duty is in continental United States unless such officer or employee is a citizen of the United States or a person in the service of the United States on the date of the approval of this Act who being eligible for citizenship has filed a declaration of intention to become a citizen or who owes allegiance to the United States: *Provided*, That this section shall not apply to the employment of interpreters in the Immigration and Naturalization Service (not to exceed ten permanent employees and such temporary employees as are required from time to time) where competent citizen interpreters are not available.

This Act may be cited as the "Department of Labor Appropriation Act, 1940".

Approved, June 29, 1939.